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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

UNITED STATES OF AMERICA,)	2:14-CR-00185-LDG-GWF
)	
)	
Plaintiff,)	
)	
vs.)	
)	
JAMES ELLIS PAYNE,)	
)	
Defendant.)	
_____)	

STIPULATION TO CONTINUE EVIDENTIARY HEARING

IT IS HEREBY STIPULATED AND AGREED, by and between Daniel G. Bogden, United States Attorney, and Phillip N. Smith, Jr., Assistant United States Attorney, counsel for the United States of America, and Heidi A. Ojeda, Assistant Federal Public Defender, counsel for Defendant JAMES ELLIS PAYNE, that the evidentiary hearing for the Defendant's Motion to Suppress (Docket #29), currently scheduled for February 23, 2015, at the hour of 9:30 a.m., be vacated and continued to a date and time convenient for this Court.

This stipulation is entered for the following reasons:

1. The Defendant's Motion was filed and served on January 12, 2015. Undersigned counsel for both the Government and the Defendant were preparing for a suppression hearing in the matter of *United States v. Charles Cooper*, 2:14-cr-228-JAD-CWH, which occurred on

1 January 29, 2015. The Court graciously granted the Government a two-week extension of the
2 response filing deadline.

3 2. Due to the press of business involved with undersigned counsel for the
4 Government's involvement in *United States v. Wei Seng Phua, et al.*, 2:14-cr-249-APG-PAL,
5 Government counsel has not had adequate time to fully brief the issues contained within the
6 Defendant's Motion to Suppress. Consequently, the parties have submitted a stipulation to allow
7 the Government more time to respond. This necessitates the evidentiary hearing being
8 rescheduled.

9 3. The Defendant is not in custody, and does not object to the continuance.

10 4. Denial of this request for continuance of the evidentiary hearing would potentially
11 prejudice both the Defendant and the Government, taking into account the exercise of due
12 diligence.

13 5. Additionally, denial of this request for continuance could result in a miscarriage
14 of justice.

15 6. This is the first request for a continuance of the evidentiary hearing herein.
16 DATED: February 12, 2015.

17
18 /s/
19 PHILLIP N. SMITH, JR.
20 Assistant United States Attorney
21 Counsel for the United States

17
18 /s/
19 HEIDI A. OJEDA
20 Counsel for Defendant JAMES ELLIS PAYNE

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

UNITED STATES OF AMERICA,)	2:14-CR-00185-LDG-GWF
)	
)	ORDER CONTINUING
Plaintiff,)	EVIDENTIARY HEARING
)	
vs.)	
)	
JAMES ELLIS PAYNE,)	
)	
Defendant.)	
_____)	

ORDER

Based on the pending Stipulation of counsel, and good cause appearing therefore, **IT IS HEREBY ORDERED**, that the evidentiary hearing in the above-captioned matter, currently scheduled for February 23, 2015, at the hour of 9:30 a.m., be vacated and continued to Thursday, March 5, _____, 2015 at the hour of _ 1:30 p.m.


UNITED STATES MAGISTRATE JUDGE